

'Raits blong mere'? Framing Human Rights and Gender Relations in Solomon Islands

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Introduction

1. In Solomon Islands, the language of human rights has become central to national legislation, policy making and NGO activism, focusing in particular on women's rights and violence against women. This is partly the result of trying to deal with the aftermath of a devastating conflict (1998–2003), which was due to growing anxieties between Malaitans and Guadalcanal people with regard to development equity and cultural respect.^[1] During the civil conflict, which is by Solomon Islanders commonly referred to as 'the ethnic tension,' Solomon Islands experienced increasing civil unrest and instability, leading to a breakdown in law and order and a failure of essential government services. Moreover, gender-based violence against women and girls seems to have increased, and has become entrenched.^[2] In 2003, after the Solomon Islands government requested assistance, Australia intervened through the Regional Assistance Mission to the Solomon Islands (RAMSI), which stopped most of the violence.
2. However, according to many foreign and national reports, violence against women continues to be a problem in 'post-conflict' Solomon Islands.^[3] As will be discussed, this violence is frequently attributed to Solomon Islands' 'traditional' culture, which is often portrayed as conservative and patriarchal, with women having little autonomy and no political power.
3. For the Solomon Islands' government and international aid agencies, combating violence against women is of importance not just for humane reasons, but also because of the alleged relationship between gender equality and development, which has been emulated around the world by influential scholars, people like Hilary Clinton,^[4] the World Bank and the United Nations. In Solomon Islands, this global discourse on women's rights and development is put to work by AusAID and the local government's emphasis on seeking justice for women's experiences of sexual violence in conflict situations; combating post-conflict gender violence; and securing increased representation of women in policy- and decision-making bodies. Through the work of NGOs, men and women in even the most remote rural areas have been urged to partake in workshops and awareness programs dealing with women's rights violations and justice issues. This is also the case in Marau, Guadalcanal Province, the area where the conflict between Guadalcanal people and immigrants from Malaita ignited.
4. Areare people from South Malaita have since long been attracted to Marau and its coastal islands which were part of Mbirau people's ancestral lands. The latter initially did not oppose Areare settling on their lands, but as disputes about land grew due to development opportunities, Mbirau became increasingly wary of the Areare presence on what they claimed to be their land. The resulting violence and mistrust between the two groups caused intense grief and material loss on both sides. Especially women have suffered due to the conflict, and many NGOs have tried to assist in bringing the two ethnic groups together and raising awareness about reconciliation, justice, gender violence and human rights.
5. Importantly, as shown in this chapter, Mbirau people seem to understand human rights as a predominantly women's (and children's) issue. But instead of linking these to the national agenda of securing women's rights and fostering gender equality, Mbirau translate human and women's rights into the different responsibilities that both women and men have. In doing so, tensions between local gender definitions and relations come to the fore, but so also does the friction between the ideal of the universality of, in particular, gender equality, and the reality of cultural and local diversity.
6. I will explore these frictions by considering human rights as belonging to certain flows of transnational ideas, but also as cultural practices, which are translated, vernacularised and attributed with specific meanings and put to work in people's everyday lives.^[5] How do women and men appropriate and apply notions of human rights in their daily lives? How do they see themselves in terms of human rights? And what kind of justice do Mbirau women want, especially in relation to the suffering they experienced during the tensions? Before elucidating the results of this on-the-ground engagement with human rights and practices, I first turn to the interplay between human rights and women's rights, and in particular, the preoccupation with gender violence and gender equality, in a global setting and within the context of nation- and state-building in Solomon Islands.

Human rights as women's rights in the politics of development and nation-building

46. The fact that women's rights are human rights is not as straightforward as it seems. In the 1990s scholars and activists like Charlotte Bunch argued that despite the significant violence against women worldwide, these crimes were not classified as violations of human rights. Indeed, women's rights were, and often still are, viewed as distinct from human rights.^[6] Only in 1993, did the United Nations (UN) endorse women's right to violence-free lives as an extension to the human rights framework at the Vienna conference.^[7] A resolution was passed committing UN member states to the elimination of violence against women as a violation of Women's Human Rights.^[8] It also underlined the equal status of women within the framework of human rights.^[9] Despite this benchmark, Sally Engle Merry, in her work on human rights and gender violence, argues that 'establishing women's rights as human rights is still an uphill struggle.'^[10] Nevertheless, the global women's movement seems to have transformed human rights discourse, making it central to struggles for equality and justice around the globe.^[11]
47. Moreover, women's rights, particular in terms of gender equality and the elimination of violence against women, are central to global discourses on development. This link was put forward by scholars like Amartya Sen,^[12] and has been informing policy and practice of organisations such as the World Bank and the United Nations ever since.^[13] The perspective that gender inequality and gender violence are at the heart of development is for example emulated via the United Nations' Millennium Development Goals (MDGs), which aim to promote gender equality and empower women.^[14] It also influences how Australia perceives its neighbours and development programs in the region.
48. For the Australian government, gender inequality, which is considered to be a human right violation and inextricably linked to violence against women, is very much related to development and democratisation. As then Australian Prime Minister Julia Gillard said in October 2012 while attending a meeting with Papua New Guinean and Nauru officials on the Cook Islands, 'Gender equality is the key to development.'^[15] The Australian Agency for International Development's (AusAID) Office of Development Effectiveness, identified violence against women as a major barrier to development in Solomon Islands.^[16] Since Australia is keen to deal with the arc of instability (e.g. Papua New Guinea (PNG) and Solomon Islands), fighting gender inequality and violence against women is a way to address the so-called 'failed state' of Solomon Islands. Consequently, significant funds are devoted to programs in the Pacific and Solomon Islands in particular, that focus on women's rights and gender violence.^[17]
49. It comes as no surprise that the global discourse on human rights, gender equality and development is also appropriated in the Pacific and Solomon Islands. In fact, it is very much present in how the Pacific region presents itself. As stated by the Forum Leaders of the Pacific Plan (to which Solomon Islands is a party) in their 2004 Auckland declaration:

The Pacific region can, should and will be a region of peace, harmony, security and economic prosperity, so that all its people can lead free and worthwhile lives. We treasure the diversity of the Pacific and seek a future in which its cultures, traditions and religious beliefs are valued, honoured and developed. We seek a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values, and for its defence and promotion of human rights.^[18]

According to Jimmie Rodgers (Director-General, Secretariat of the Pacific Community), the Pacific Plan Forum Leaders' vision of peace, democracy and human rights become a reality 'if gender equality is achieved and violence against women and children is eliminated.'^[19]

50. In Solomon Islands, the language of human rights has become integral to national legislation, policy-making and NGO activism, focusing in particular on women's rights, gender inequality and violence against women. In May 2002, Solomon Islands ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, signed in 1979),^[20] more recently developing a policy on the Elimination of Violence against women (EVAW), and the Gender Equality and Women's Development policy (GEWD).^[21] And although Solomon Islands' progress in promoting gender equality and empowering women is according to the UNDP mixed and insufficient,^[22] the government is committed to achieving the MDGs. As the Solomon Islands' Minister for Women, Youth, and Children's Affairs stated in 2010:

As indicated, we take this course because of our children. As a society that prides itself on its family kinship being tightly knitted, the health and well-being of our families is important to us. We also follow this course because of our Constitutional and international commitments to protecting the human rights and dignity of our citizens. It is right to protect women first because they are the main victims of violence.^[23]

51. For the Minister for Women, Youth, and Children's Affairs, violence against women (and children) goes against the health and well-being of the family, and the health and dignity of the nation at large. However, the problem is how to achieve gender equality and eliminate violence against women within the diverse cultural and religious landscape of Solomon Islands, which according to many organisations and scholars is sustaining these violations of women's rights? In the following section I will detail how gender relations, culture in general, and Solomon Islands' law are blamed for sustaining gender inequality and violence against women. The result is that women are effectively framed as both victims of violence and of a culture that enacts this violence. As shown, this particular framing is symptomatic of the increasing 'indicator culture,' in which indicators are used around the world as tools to assess and promote social justice and reform, rendering governments and people

themselves auditable.^[24] While surveys and indicators signify the presence and gravity of violence against women, I argue that their framing is too homogenised and static, leaving no room for women's agency, which is embedded in the diversity and fluidity of local cultural interpretations, practices, frictions and contestations.

The case of human rights v Solomon Islands' customs

85. The notion of women's rights being essential to the well-being of the nation and state presents Solomon Islands with a conundrum. How to unify local cultures, traditions and religious beliefs that may work against gender equity, with human rights? In their 2004 and 2008 reports on gender violence in Solomon Islands, Amnesty International and AusAID conclude that during the tensions, the majority of women experienced violence, and violence against women became deeply rooted.^[25] At the same time, gender relations in Solomon Islands are portrayed as conservative and patriarchal, sustaining gender inequality and violence against women, with women having little autonomy, no political power,^[26] and being victims of abuse. In its 2004 report, Amnesty International argues that in Solomon Islands violence against women is 'entrenched' as it has been 'exacerbated by widespread and entrenched discrimination against women, deeply-rooted in both traditional customs and the legacy of a preference towards men by the British administration and mostly Australian settlers prior to independence in 1978.'^[27] This representation of Solomon Islands' women being dominated and violated by local and foreign men is confirmed and enforced through the findings of the 2009 Solomon Islands Family Health and Safety Study (SIFHSS) that was carried out nationwide, and which concludes that 'two out of three women aged between 15 and 49 years have been abused.'^[28] The 2010 national Elimination of Violence against Women policy (EVAW) took these statistics as their point of departure, as did Amnesty International in its 2010 annual report of human rights in Solomon Islands,^[29] emphasising that violence against women and girls is a serious human rights concern in Solomon Islands. Using the same statistics, the Australian based NGO Optimistic World Foundation argued that:

Violence against women and children is a chronic problem in the Solomon Islands, with two out of three women between the ages of 15 and 49 reporting incidences of severe abuse.... Few have knowledge of their rights.... Women have no economic empowerment and culturally it is next to impossible for them to leave violent husbands.^[30]

86. As evidenced in the report above and also in other studies, culture and women's rights are often pitted against each other. This is apparent in international CEDAW discussions that tend to see culture as an obstacle to the human rights of women,^[31] but also in earlier and more recent reports on Solomon Islands. A 1995 report on human rights remarked that 'despite constitutional and legal protection against discrimination, women remain victims of discrimination in this [Solomon Islands] tradition-based society.'^[32] The recent post-conflict analysis by AusAID equally stresses that violence against women is worsened by pervasive poverty.^[33] The report also suggests that 'traditional practices that negatively impact on women's health,' the low status of women with respect to men, and 'culture' prevent women from seeking justice.^[34] In addition, the law itself is criticised for sustaining this inequality and victimisation of women.
87. Solomon Islands law accords women equal rights both under the supreme law (the Constitution), and statutes. However, as argued by AusAID, current legislation in Solomon Islands is limited in its ability to prevent and respond to violence against women. Accessing courts and police can be difficult in provincial areas. There are low levels of knowledge in the community on laws relating to violence against women.^[35] This is consistent with RAMSI's annual 'People's Survey' of the last five years in which it is ascertained that women are less likely to report crime than men and they have lower levels of confidence in the police and the justice system generally.^[36]
88. Legal scholar Jennifer Corrin problematises the relationship between customary law and human rights (including women's rights) within Solomon Islands' Constitution.^[37] She argues that they embrace very different ideals, with customary law based on male domination while human rights is founded on principles of equality.^[38] Corrin concludes that the recognition of customary law as a source of law within the formal system essentially obstructs women's rights. In fact, it seems that unconditional equality is actively resisted as 'it threatens the very foundations of customary society.'^[39] In short, for Corrin (and others) Solomon Islands' tradition-based society is obstructing gender equality, preventing women from seeking justice, and, as such, is a society that is in violation of human rights.
89. While the information presented above shows that there is a serious problem with women's safety and access to justice in Solomon Islands, the particular framing of women and culture within these studies is problematic. First, some reports only present data concerning violence against women, omitting the fact that many men in Solomon Islands have experienced and are enduring violence as well. Amnesty International and AusAID's observation that during the conflict, women experienced more violence than men, and that violence against women became entrenched has largely been based upon the Forum Social Impact Assessment (SIA) poll of 2004, which indicated that 85 per cent of the circa 520 Solomon Islanders who participated, noted their families 'had been directly affected by the crisis, with 75% of women and 73% of men suffering direct personal trauma.'^[40] Amnesty International, AusAID, UNDP and UN Women Pacific reports have all appropriated this data stating that 'three-quarters of women reported direct personal trauma during this period, including rape, death of family members, threats of violence and intimidation and being held up at gunpoint.'^[41] However, by

omitting the almost equal percentage of men having suffered from such direct personal trauma, this statement gives a gender-biased view of the impact of the crisis in the lives of both male and female Solomon Islanders, both men and women. In these reports women are represented as the sole victims, ignoring the fact that women also contributed to the conflict,^[42] and that men also suffered from violence.

118. Second, many reports disregard women's diverse socio-economic and geographical contexts, thereby generalising gender inequality and gender violence as a problem all over Solomon Islands and for all Solomon Islands women. As also concluded in the UNDP report on Solomon Islands' progress on the MDGs:

Much of the information in the MDG report however does not shed light on the divide existing between rural and urban women, an issue that will only be clarified once the National Census is published. The limited amount of reports produced on gender disparities in fact do not allow a clear understanding of the recurring and future challenges faced by women, by economic activity, levels of education age or geographical location.^[43]

119. The third problem is the indicator culture that becomes increasingly dominant in assessing human rights and violence against women in places like Solomon Islands. Indicators are 'statistical measures that are used to consolidate complex data into a simple number or rank that is meaningful to policy makers and the public.'^[44] One of the global bodies that uses indicators to assess countries like Solomon Islands, is The Elimination of All Forms of Discrimination against Women (CEDAW) committee. Their assessment is based upon both quantitative and qualitative indicators, such as literacy rates, maternal mortality rates, and sex disaggregated labour-force participation, and 'the existence of legislation concerning equal inheritance rights, policies addressing quotas for girl children in educational institutions, and programs for legal aid services and shelters for women victims of violence.' The latter qualitative measures are 'quantified by counting the number of laws, the number of shelters, and so on, to produce a number.'^[45] In 2007, an effort was made to check CEDAW legislative compliance in nine Pacific countries, including Solomon Islands. Based upon the text of each of the articles of CEDAW, the authors developed a set of 113 indicators with regard to equality and non-discrimination, gender-based violence, employment, and marriage and family relations.^[46] 'Solomon Islands fully complied with 23 indicators, partially complied with 33 and had no compliance with 57.'^[47] In short, the authors conclude that Solomon Islands as well as the other Pacific countries, portrayed low levels of legislative compliance with CEDAW.^[48] But what are we to make of these numbers? In her article on indicators, human rights and global governance, Sally Engle Merry explains the knowledge and governance effects of indicators and how they provide 'a transition from ambiguity to certainty; from theory to fact; and from complex variation and context to truthful, comparable numbers.'^[49] As such, they ignore individual specificity and context, but at the same time present the most important feature related to informed decision making on specific issues such as, in this case, violence against women in Solomon Islands.^[50]
120. In short, the tendency of NGOs and organisations such as AusAID to emphasise and generalise women's situations, to frame local gender relations and culture as sustaining gender inequality, and to stress the growing importance and significance of indicators in assessing human rights and gender violence, ignores local contexts, reduces women to victims, and displaces alternative concepts of violence, social relations, rights and values. Such emphases and framing obscure local realities and how men and women constitute themselves in relationship to each other and to their respective social roles and responsibilities. Local socialities are, as such, effectively set aside by the promotion of human rights and gender equality, which advocate individual autonomy, choice, equality, non-violence and secularism.^[51]

Framing women-blaming culture

121. The framing of women as victims of both violence and culture is also prevalent in other parts of the Pacific and the rest of the world. As has been noted by Nicole George in her article on gender violence and human rights in Fiji, many studies are framed by the idea that women are 'the twin victims of violence *and* a culture that ordains this violence.'^[52] Some feminist scholars argue that culturally specific manifestations of violence against women are part of a global mechanism that reproduces gender subordination in predominantly patriarchal societies,^[53] and that multiculturalism and identity politics of minority groups will undermine feminist struggles for equality.^[54] According to George, these studies suggest the incommensurability between liberal notions of rights and non-western value systems.^[55] Others, like Martha Nussbaum, however, acknowledge that gender equality should be seen as a value, and that it should not be blindly prioritised as a (feminist, liberal, developmental) goal.^[56]
122. Nussbaum, Merry and others are critically aware of the racist and paternalistic connotations of framing culture as a problem for women.^[57] According to Merry, the idea that culture is a problem for human rights and gender equality is related to the general tendency 'to culturalize problems.'^[58] It is a means by which women's subordination is interpreted 'in terms of cultural practices that suppress them, rather than the economic or political problems their communities face.'^[59] Obviously, a focus on culture abstains the 'western world' from making economic and political reforms that may actually improve women's economic and political situation, as women's empowerment in these spheres is not just dependent upon local issues but part of global trends. Lila Abu-Lughod goes even further in her critique and argues that cultural framing, which seems to be particularly marked in western projects that are designed to save women in non-western countries, is based upon manifold

assumptions about western superiority and arrogance that needs to be challenged.[60] In fact, it seems that this cultural framing by development specialists and NGOs is a legacy of colonial representations of third-world women as oppressed victims and slaves of their husbands, as sex objects or 'as the most ignorant and backward members of "backward" societies.'[61] Clearly, this myth of third-world women in need of being saved from their traditional milieu needs to be dismissed before any serious analysis can proceed.[62]

146. In addition to having racist and paternalistic undertones, depictions that blame culture tend to overgeneralise. These depictions present culture as rigid and harmful, and oversimplify the issue by creating binaries, such as 'perpetrator/victim, male as batterer/female as passive victim' and western/non-western culture, which, according to Merry, are 'too restrictive and heterosexist to [help] understand violence against women.'[63] In promoting such perceptions, both the complexity and 'fluidity of cultural interpretation and practice and the extent to which contestation around questions of cultural authenticity offer women advocates the possibility of translating human rights norms in ways that reinforce their local resonances,' are ignored.[64]
147. From a local perspective, women are not without agency and they do play important roles in Solomon Island societies. These include maintaining the continuity of clans through bearing children, maintaining and preserving the status of their husbands and community leaders, and maintaining continuity of land rights in matrilineal societies.[65] These roles are not secondary. In matrilineal societies, such as Mbirau, women carry rights over land and their interests cannot be ignored (by (post)colonial agents or local men), although men often make final decisions. As Bernadetta (mixed Guadalcanal and Areare, circa sixty years of age) from Mbirau expressed:

Women are *Mere blong groun, mama blong groun* [mothers of the land]. We get children, so we continue, men just die. Women can stop logging and other bad activities on our land. Men like to claim land, but we must decide about it. We can stop it [the logging]![66]

The quote above shows that women do have agency and they have both the drive to make changes and the possibility of making changes. So instead of over-generalising and framing women as victims of their culture, we should actually be more aware of what occurs on the ground, and how international concepts, such as human rights and gender equality, might be taken up in local struggles. Merry calls this process of how human rights and gender equality are modified to local value systems and situations in order to become meaningful locally, 'vernacularisation.' Importantly, as is also stressed by other legal scholars, this process is complicated and not always successful.[67] In the following section I will elaborate on how international concepts of human rights are mobilised, vernacularised, resisted, reinterpreted, and transformed among Mbirau women living in Marau.[68] In addition, I will debate the extent to which 'vernacularisation' might be useful, or in fact harmful to the women involved.

Human rights vernacular in Marau

148. For the Mbirau people living in Marua, Guadalcanal Province, the conflict revolved around tensions and outbreaks of violence with Areare people, now living mainly on the islands of the Marau coast. Despite speaking two different languages and having two different land systems (matrilineal versus patrilineal), these two groups have strong cultural and social interactions forged through intermarriages and other cultural ties. Marau-Areare speakers are believed to be descendants of tribes from South Malaita who have been living at Marau Sound, which is part of Mbirau Ward for well over four hundred years. Marau-Areare speakers regard themselves as Guadalcanal people but they were targetted during the ethnic tensions. In 1999, local young Mbirau men were encouraged and/or forced to attack Areare by *Isatabu Freedom Movement* (IFM) commander Harold Keke from Guadalcanal. Although Mbirau wanted to stay neutral, young Mbirau men started burning down Areare houses and stealing their property. Consequently, many Areare fled 'back' to Malaita and the Malaita Eagle Force (MEF) was established to counter the IFM attacks on Malaitans on Guadalcanal.[69] In 2000, the violence between the two groups flared up again when Areare joined the MEF. After several shootings, Mbirau fled inland into the bush to the places (*hunuwela*) of their ancestors where they stayed for about two years.
149. Both sides suffered casualties, threats, harassments, displaced populations and some lost their businesses and properties. In 2001, the Marua Peace Agreement brought the two main warring parties together, but progress made towards peace failed due to continued attacks. In 2003, Prime Minister Kemakeza asked for military help from Australia in order to restore law and order in Solomon Islands. In Marau, the process towards reconciliation and peace was disrupted by an application for consent for Timber Rights to undertake commercial logging in 2003. Tensions continue to flare up with recent prospects of logging and other forms of development in the area, creating land disputes between Mbirau and Areare people, who both claim ownership of these particular areas of land.[70]
150. During and after the tensions several NGOs visited Marau to address in particular peace and reconciliation, but also gender equality and violence against women. While some of the participants in the offered workshops consider them to have not been very helpful, others are convinced the workshops made a difference. As expressed by Salome from Mbirau: 'During the tensions, I was so afraid. I had so many worries. But they [NGOs] came and talked to us, talking about peace, urging the militia to surrender their guns and help us women to be

no longer afraid.'^[71]

169. Amongst the agencies and NGOs that visited Marau are: the Red Cross (who handed out blankets, pots and other essentials; Peace Monitoring Groups (PMG), who talked about reconciliation, did awareness talks, and helped people to get back to normal life, amongst other things by organising sports); the Catholic Church, which tried to help and unite Mbirau and Areare through joint church activities, (including a pilgrimage with a statue of Mary), counselling, family life groups and women's groups; World Vision who talked amongst other things about human rights; AusAID's Community Sector Program (CSP) which also did a program on rights; Winds of Change which gave workshops on reconciliation; the government's Women and Development Division (WDD) which in 2010 talked about women's and children's rights; and finally the TRC (the Truth and Reconciliation Committee who came mid-2011 to do interviews, addressing injustices committed during the tensions).^[72]
170. Importantly, most of these agencies did not come inland, so Mbirau had to go down to the coast to participate. Up until circa 2005, many Mbirau men were still fearful of possible acts of violence and revenge, so initially, mainly Mbirau women, together with Areare, joined the workshops that were offered by the organisations mentioned above. This has consequences for how the peace process initially developed. Instead of equal gender participation, the initial reconciliation and peace processes took place along gender lines,^[73] but also ethnicity, as the workshop venues made it easier for Areare to attend. As a result, not everyone is aware about the existence of human rights, or what they mean. However, people also hear about human rights through discussion with others, and or via the media. In general, my interlocutors translated human rights in three, frequently interlocking ways: Human rights were often defined as women's and children's rights; translated as men's and women's responsibilities; and defined as the right to have justice and a sufficient way of living.
171. In general, both men and women are disappointed with the government, which has up until the time of writing failed to initiate any reconciliation between the parties involved, or to enforce justice by paying compensation for lost properties and human lives. As one of my interlocutors experienced: 'Too many groups asked us the same questions! Nothing has been done! The Government should allocate money to local people, instead of doing interviews. They only gave a small compensation for lost property, it is not enough!'^[74] Another interlocutor said: 'In our village there has been no counseling, no reconciliation, no compensation. I am not happy with the Government! I told my story to the TRC last year, but nothing has happened since'.^[75]
172. In 2010 and 2012, reconciliation between Areare and Mbirau was initiated by Wings of Change, and Sycamore Tree (a branch of Bible Way),^[76] which was established by a Fijian pastor.^[77] For local people, and especially Mbirau women, these reconciliation efforts failed as they favoured Areare interests and ignored local women's experiences as victims of the violence. Instead of being acknowledged and involved, women were cooking for and serving the ex-combatants who had had such a detrimental impact on their lives.

Human rights as women's rights and responsibilities

173. The human rights programs that have been conducted in Marau mainly focused on rights for women and children. They addressed gender issues, like how to deal with disagreements between men and women, and domestic violence. Consequently, many informants equated human rights with rights for women and children. For example, the right of children to enjoy education, the right of women to go to the market, or visit friends, and the right of women to report domestic violence. Notably, rights for women are frequently framed into responsibilities and duties women have towards their family, and the community at large.
174. The interplay between human rights as women's rights and women's responsibility comes to the fore in the words of one of the Mbirau women I interviewed on the topic of human rights and justice. Sylvia,^[78] 38-years old and married, told me:

Human rights, they help me for *luk save*, to take care of others and intervene. They are a model to me. I know how to talk to youths, to other people. It gave me self-confidence to make decisions within my family. I manage things. Like when my husband hit me, I told him next time he does this I will loose him or report him. Before, I would not challenge my husband, but now I do. But I must be careful not to go over him. The law is there, and knowing it reduces domestic violence. Women might report abuse, they are more aware of their rights. But women also abuse these laws. They go out, they think they have the 'right' to do so, to drink, go out or talk against their husband. This is wrong. According to *kastom*, women are not allowed to speak up. *Kastom* gives us guidelines, rules too. They help you being a good person: that you have to respect your sister, your brother. But some things are not good, like bride-price payments that are too high, or that women are not allowed to speak up.

I have lots of questions, for example: about genealogy. Do only elders have the right to talk about land? We, women, must know about these things. Sometimes the men do not answer me. I think they should let us [women] know. What are my rights? What are our rights? The Church keeps stressing that we have to share things, but what are our rights? With these issues about land, I have to speak out. I must express what I think, even if men do not like it. I am worried about the future. How can I help youths, young leaders? I must reach out to others. I like to have equal access to all opportunities, between men and women, and between Areare and Gualle. So me and my brother, we are going to bring awareness about our resources to Gualle people. We do not want to sign for approval for logging or mining. We don't want to sign for destruction of our children's life. This is *bigfella sin*. God tells us to make gardens, not to destruct our land.^[79]

175. For Sylvia, who is a strong, educated woman who has worked for the Worldbank and who is married without

kids, human rights give her a model to follow, as well as a means of protecting herself when faced with domestic violence. Her narrative shows that human rights and justice are very much related to what happened during the tensions to Mbirau as an ethnic tribe and the current post-conflict situation in which Areare are trying to claim land that Mbirau traditionally own. It also shows how international discourses on human rights are internalised and combined with *kastom* and Church ethics and 'laws.' Moreover, it shows how local notions and questions about proper male and female personhood influence international human rights.

187. While Sylvia's story reveals how she does not want to accept certain rights, such as only men having the right to make decisions about land, other interlocutors placed more emphasis on gender relations within the family. They stressed how hard it is for women, as wives, mothers and daughters-in-law, to address issues like care-taking responsibilities. As described by Alice (35-years old), a wife and mother of five children:

Human rights? We women have responsibilities towards our children, to teach them, not spoil them and prevent them from doing bad things. Men? Men have this responsibility too, but not all of them support their wives and children. *Raits blong mere?* Some women make decisions, but I am afraid of telling my husband, he is the boss. We respect men, we women we just stay quiet, not like Sylvia [see above] she fights her side. Some men will hit you. I do argue with my husband if he does things I do not like. Some men know how to listen, mine doesn't. Here, women have to do everything. When I go out, my family-in-law complains. Women should take care of the children, garden, cooking and so on. Husbands don't take care of the children.^[80]

188. Alice's narrative points us to the backlash that talking about rights within a domestic setting may have. Instead of empowering individual women, it can lead to violence from husbands, but also mothers-in-law and other family members towards the woman who speaks up. It also shows us how women are situated within a range of relationships. Both Sylvia's and Alice's narratives reveal that human and women's rights are mostly interpreted in relational ways. They translate rights as duties towards one's family, or as bringing awareness of women's responsibility to get involved in local politics in order to improve their tribe's future.
189. The connection between human rights and responsibilities in this context comes as no surprise as they go hand in hand. However, here responsibility is not so much seen as the consequence of claiming an individual right, but rather as part of the moral framework in which relationships are embedded. As Marilyn Strathern stresses, for Melanesian notions of the person in general, women visualise themselves, 'as carried by other persons and, for better or worse, by their relations to others.'^[81] This brings us to the incompatibility between the human rights' autonomous individual who can claim rights, and local conceptions of the person as relational, constituted through others and thus ontologically unable to claim individual rights. For Mbirau people, social justice is clearly based upon reconciliation and responsibility, but this relational perspective does not mean that women do not have the power to change things, including their own situation.

The power of human rights and gender

190. What becomes salient when looking at the interplay between the human rights discourse on the one hand, and Mbirau vernacularisations and practices of women's rights on the other, are the power issues that are inherent to debates, contestations and practices of rights. As also noted by Hilary Charlesworth, the human rights discourse overly simplifies complex power relations and structural inequalities of power on private, local, national and international levels.^[82]
191. Local vernacularisations of human rights in terms of responsibilities, reveal the extent to which ideas about proper male and female personhood influence local understandings of human rights.^[83] Women complain about men not sharing responsibilities and of not listening to women, and of having to do most of the work within the extended family. At the same time, local women challenge and oppose dominant gender relations and male domination through their ideas and actions. They contest male hegemony over land issues, enter national politics as provincial representatives, do consultancies and are actively engaged in supporting local educational and environmental projects. These activities would seem to indicate that local women such as Sylvia and Alice strive for gender equality, in that they want men to share their family responsibilities and women to have equal access to decision-making processes.
192. However, as expressed by Sylvia, Alice and several other interlocutors, women and men should not become the same, on the contrary. As Sylvia's narrative shows, there exist strong notions about women's (and men's) proper behaviour and their relationship to each other, which are embedded within local customary and Church values. For example, sisters and brothers have traditionally a relationship of avoidance, which refers to the strong cultural taboo on incest. They have to avoid physical contact (as soon as the brother is a teenager, he will build his own hut next to his parental house in order to avoid his sisters), and the sister may not cook for her brother and wash his clothes, as it is believed her female 'substances' may harm him. Out of respect, she will also refrain from shouting at him and she has to pay him compensation (*pono kuli*) if he hears something about her that he is not supposed to hear (for example about her love life). Although these rules and values are not static, they provide the boundaries of what is considered acceptable behaviour at a particular setting and time, and what is not. It is, for example, not deemed appropriate for women to talk (in public) against men, as this is considered disrespectful. This does not mean that women are valued less than men; they just have different roles to perform and different responsibilities to fulfil.

198. Yet, from an international human rights and gender equality perspective, such internalised cultural schemas sustain gender inequalities and male dominance. As stated by the World Health Organization in its 2009 brief on promoting gender equality to prevent gender violence: 'Differences in gender roles and behaviours often create inequalities, whereby one gender becomes empowered to the disadvantage of the other.'[\[84\]](#) The paradox of human rights is that in order to be able to address local gender inequalities and to become accepted, they are tailored to the local context in order to resonate with local values and socialities.[\[85\]](#) This translation could, as also acknowledged by Merry, alter the substance of human rights discourse, subverting its original intent and meaning, and having little or no impact, as it does not challenge local power relations.[\[86\]](#) In the context of Mbirau, the appropriated human rights vernacular resonates with internalised cultural schemas that frame social justice in terms of responsibilities. By translating human rights as responsibilities, women in particular are framed in their relational obligations towards their extended family and the community at large. Thus, instead of empowering and enforcing women's individual rights and equality to men, local vernacularisations stress women's duties, at the same time elucidating power issues inherent in their relationships with husbands, brothers, in-laws and others.
199. This paradox of human rights posing more strain on women and potentially harming them is exemplified in Alice's story. She translates human rights as responsibilities, especially towards her children and her extended family. As a consequence, for Alice human rights are reinforcing local gender relations in which women already do a lot of work. At the same time, she translates women's rights as the right of women to talk out against their husbands. According to local gender relations, this is disrespectful. As a consequence, local women who perform 'their right' by speaking up may face harsh treatment by their male relatives, often receiving no support from other women, especially in-laws, as many women support and maintain the local status quo between the sexes. Scholars working on gender violence in the Pacific have already noted this dilemma, and especially how the empowering of women evokes the disempowering of men. As Martha Macintyre in her work on gender violence in PNG states, 'for women to gain the control over their own lives and bodies that "eliminating violence" entails, men are going to have to lose it,' and they won't do so without a fight.[\[87\]](#)
200. On global, national, local and private levels one should also ask to what extent old paradigms of colonialism are being recreated in the guise of global integration through the call for human rights and women's equality?[\[88\]](#) While cultural framing—the interpretation of women's subordination in terms of cultural practices that suppress them—can be seen as a legacy of colonial representations, the current gender inequality in Solomon Islands might actually be the result of colonial intervention. British colonisers and missionaries imparted their gender ideologies onto Islanders, promoting the notion that women belonged to the domestic sphere, ignoring the matrilineal land system and interacting with men on land issues, instead of consulting 'the mothers of the land.'[\[89\]](#) In addition, colonisation has left many Pacific Islands with outdated legislative frameworks previously introduced by imperial powers.[\[90\]](#) These 'interventions' have diminished and restricted women's participation in family arrangements and local decision-making processes on both social and land matters, and now provide an obstacle for women to have legislative protection. Among the reasons for such colonial interventions was the need to save, uplift and civilise the women of the region that often legitimised the interventions in local relationships and arrangements.[\[91\]](#) Ironically, current advocates of human rights in Solomon Islands attempt to uplift and save women by trying to get them out of the domestic into the public political sphere. Women in Solomon Islands remain underrepresented in both administrative and representative Government with no female parliamentarians, despite the fact there is no shortage of female candidates.[\[92\]](#) RAMSI, AusAID and the World Bank now focus on the need for intervention in the disruptive impact of culture on women's rights, and in particular on women's participation in politics and the failure to recognise women's land rights in legislation.[\[93\]](#)
201. So how to solve this conundrum of empowering women on local and national levels without the pitfalls and backlashes described above? I suggest we should place even more emphasis on culture. However, not as standing in the way of women's rights, but as being able to support change that is beneficial to women. As argued by anthropologist Anna Tsing, cultures are dynamic, they are continually co-produced in interactions she calls 'frictions'; 'the awkward, unequal, unstable and creative qualities of interconnection across difference.'[\[94\]](#) This does not imply rigid cultural relativism, but the acknowledgement of the transforming power inherent in 'frictions,' and the possibility of changing women's positions in local societies from within. In her study on gender politics in Fiji, Nicole George reveals the mutability and changing nature of custom, and how women activists shape and pursue their goal for gender justice in the context of national and global upheavals.[\[95\]](#) This agency of women, and of groups of women, has also been acknowledged by other scholars working in the Pacific.[\[96\]](#) The transforming power of women (against men and against violence) is demonstrated by [Rebecca Monson's](#) chapter in this issue on the strategies used by women peace-builders in Solomon Islands. As noted by Margaret Jolly for women in Vanuatu, women are very capable of 'negotiating the competing claims to their persons by the more parochial collectivities of villages, the languages of citizenship in new states and...discourses of human rights.'[\[97\]](#) Such focus means acknowledging the particular people involved, with women like Sylvia and Monson's peace-builders opposing local gender relations and speaking out, and some men utilising and manipulating custom in order to silence local women and to obtain power (land) for their own gain.[\[98\]](#)
202. Emphasis should be placed on local particularities such as Marau, and take these as points of departure from which to discuss human rights, thereby changing the direction of translation and the power dimensions inherent

in the human rights project. Such a vernacularisation of human rights could actually provide an 'emancipatory tool' for Mbirau women and men,^[99] and for Mbirau and Areare people in obtaining justice in the context of the previous tensions and current land disputes. It also forces us to ask: do Mbirau women want to be uplifted and saved? And what kind of justice do *they* want? Although struggling with local gender relations and complaining about men not taking responsibility for their families or refusing to listen to women, Mbirau women want to be 'saved' from their husbands and the culture they live in. Many of my interlocutors are tired of having to do another workshop, or attend another meeting that will improve their leadership skills, bring awareness about their rights, etcetera. Childcare and family obligations, and the responsibility to provide food from the gardens and cook pose enough pressure on them. Instead of changing themselves, they want their husbands and families and in-laws to change and provide more support. What they also want is for the state to fulfil its obligations. Mbirau people want true reconciliation with Areare so they can get along with their lives. This reconciliation can only happen through traditional exchange ceremonies that come from the heart. At the same time, the government has to acknowledge its responsibility, acknowledge people's rights, and pay compensation to all those affected by the tensions, both Mbirau and Areare, both women and men.

Notes

[1] Mathew Allen, 'Greed and grievance in the conflict in Solomon Islands 1998–2003, Ph.D. dissertation, Canberra: the Australian National University, 2007, p. 130.

[2] [Pacific Islands Forum](#), *Social Impact Assessment of Peace Restoration Initiatives in Solomon Islands*, Suva: Pacific Islands Forum Secretariat, March 2004, p. 36, online: <http://www.forumsec.org/resources/uploads/attachments/documents/Social%20Impact%20of%20Peace%20Restoration%20Initiatives%20in%20Solomon%20Islands%202004.pdf>, accessed 20 October 2012; Mary Ellsberg, Christine Bradley, Andrew Egan and Amy Haddad, *Violence against Women in Melanesia and East Timor, Building on Global and Regional Promising Approaches*, Canberra: AusAID Office of Development Effectiveness, 2008, p. 134; Helen Leslie and Selina Boso, 'Gender-related violence in the Solomon Islands: The work of local women's organizations,' in *Asia Pacific Viewpoint*, vol. 44, no. 3 (2003): 325–33.

[3] The term 'post-conflict' is used with the acknowledgement that it is not feasible to make a sharp distinction between the period in which most of the violence took place and the period after the official peace agreement was signed. As in many other areas around the world, tensions between (former) warring parties are not resolved, especially not in the Marau area, and the conflicts that arise in the current situation are very much linked to what happened before and during the conflict.

[4] In October 2013, Hilary Clinton was awarded the Chatham House Prize for her contribution to international diplomacy and her work in furthering gender equality. See '[Hillary Clinton at Chatham House](#),' *Chatham House: Independent Thinking on International Affairs*, 11 October 2013, online: <http://www.chathamhouse.org/events/chatham-house-prize/2013/chatham-house-prize-2013>, accessed 20 November 2013.

[5] Ann-Belinda S. Preis, 'Human rights as cultural practice: an anthropological critique,' *Human Rights Quarterly*, vol. 18, no. 2 (1996): 286–315, p. 310.

[6] Charlotte Bunch, 'Women's rights as human rights: toward a re-vision of human rights,' *Human Rights Quarterly*, vol. 12, no. 4 (1990): 486–98.

[7] [United Nations](#) (UN), *Report of the World Conference on Human Rights. Report of the Secretary-General*, Chapter IV. Decision, Special Declaration and Resolution adopted by the World Conference. B3 (points 36–44), The equal status and human rights of women, online: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.24+\(PART+I\).En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.24+(PART+I).En?OpenDocument), accessed 25 November 2013; see also Sally Engle Merry, 'Transnational human rights and local activism: mapping the middle,' *American Anthropologist*, vol. 108, no. 1 (2006): 38–51, p. 40.

[8] In December 1993, the general assembly of the UN announced the Declaration on the Elimination of Violence against Women, stating that women's rights and principles are enshrined in the Universal Declaration of Human Rights. See '[Declaration on the elimination of violence against women](#),' A/RES/48/104, 85th Plenary Meeting, *General Assembly*, 20 December 1993, online: <http://www.un.org/documents/ga/res/48/a48r104.htm>, accessed 25 November 2013.

[9] UN, *Report of the World Conference on Human Rights. Report of the Secretary-General*.

[10] Sally Engle Merry, *Human Rights and Gender Violence. Translating International law into Local Justice*, Chicago: University of Chicago Press, 2006, p. 2.

[11] Robert Wyrod, 'Between women's rights and men's authority: masculinity and shifting discourses of gender difference in urban Uganda,' *Gender & Society*, vol. 22, no. 6 (2008): 799–823, p. 800. See also Charlotte Bunch, 'Women's human rights: 20 years after Vienna,' *Wiener Institute für Internationalen Dialog und Zusammenarbeit*, 2013, online: <http://www.vidc.org/index.php?id=1890>, accessed 25 November 2013.

[12] Amartya Sen, *Development as Freedom*, Oxford: Oxford University Press, 1999. In this work Sen links economic development with social justice and human rights as the basis for a better world.

[13] The World Bank claims to have been promoting gender equality in development since 1977. It 'promotes gender equality in developing countries through lending, grants, knowledge, analysis and policy dialogue.' See '[Gender overview](#),' *World Bank*, 2013, online: <http://www.worldbank.org/en/topic/gender/overview>, accessed 29 November 2013.

[14] '[We Can End Poverty: Millennium Development Goals and Beyond 2015](#),' 2013 Fact Sheet, online: <http://www.un.org/millenniumgoals/gender.shtml>, accessed 25 November 2013.

[15] Interview with Julia Gillard, broadcast on *SBS News*, Thursday, 30 October 2012.

[16] Ellsberg et al., *Violence against women in Melanesia and East Timor*, p. 130.

[17] In 2012, the UN Women Pacific Sub-Regional Office received AUD\$5.2 million funding from Australian AID, 'which has prioritized ending violence against women as a key development goal in Pacific Island States.' See, '[New partnership to empower Pacific women](#),' AusAID Insight: 31 August 2012, *Australian Government Department of Foreign Affairs and Trade*, 2012, online: <http://aid.dfat.gov.au/newsletter/2012/Pages/020-Insight-August-2012.aspx>, accessed 29 November 2013.

In the same year, the Australian Government announced AU\$320 Million to support women's empowerment programs in the region. See, '[New partnership to empower Pacific women](#),' AusAID Insight: 31 August 2012, *Australian Government Department of Foreign Affairs and Trade*, 2012, online: <http://aid.dfat.gov.au/newsletter/2012/Pages/020-Insight-August-2012.aspx>, accessed 29 November 2013.

[18] *The Pacific Plan For Strengthening Regional Cooperation And Integration*, Pacific Islands Forum Secretariat, November 2007, p. 2, online: http://www.forumsec.org/resources/uploads/attachments/documents/Pacific_Plan_Nov_2007_version.pdf, accessed 24 October 2012.

[19] Secretariat of the Pacific Community, *Solomon Islands Family Health and Safety Study*, Pacific Community for Ministry of Women, Youth & Children's Affairs. Honiara: Published by the Secretariat of the Pacific Community, 2009, p. vi.

[20] Being a party to CEDAW, Solomon Islands, is as required by CEDAW article 2(f) to 'take all appropriate measures, including passing legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women,' in: Secretariat of the Pacific Community, *Solomon Islands Health and Safety Study*, p. 30.

[21] In April 2013, Solomon Islands offered its first report ever to CEDAW, after it ratified the convention in 2002.

[22] UNDP, *Millennium Development Goals Progress Report for Solomon Islands*, Honiara, 2010, pp. 18, 67, online: http://www.undp.org.fj/pdf/Final_SI_MDG.pdf, accessed 22 October 2012.

[23] Hon. Johnson Koli, MP, Minister for Women, Youth, and Children Affairs, Solomon Islands, Solomon Islands Government, *The National Policy on Eliminating Violence against Women (EVAW)*, Honiara: Ministry for Women, Youth, and Children Affairs, 2010.

[24] Sally Engle Merry, 'Measuring the world. Indicators, human rights, and global governance,' in *Current Anthropology*, vol. 52, no. S3 (2011): S83–S95, pp. S83, S88.

[25] Amnesty International, *Solomon Islands: Women Confronting Violence*, November 2004, pp. 1, 13, online: <http://www.amnesty.org/en/library/asset/ASA43/001/2004/en/f9274312-d581-11dd-bb24-1fb85fe8fa05/asa430012004en.pdf>, accessed 29 November 2013; Ellsberg et al., *Violence Against Women in Melanesia and East Timor*, p. 134.

[26] Jennifer Corrin, 'Ples Bilong Mere: Law, Gender and Peace-Building in Solomon Islands,' *Feminist Legal Studies*, vol. 16, no. 2 (2008): 169–94, pp. 171–72.

[27] Amnesty International, *Solomon Islands: Women Confronting Violence*, p. 2.

[28] Secretariat of the Pacific Community, *Solomon Islands Family Health and Safety Study*, p. iii.

[29] '[Annual Report: Solomon Islands 2010](#),' *Amnesty International*, 28 May 2010, online: <http://www.amnestyusa.org/research/reports/annual-report-solomon-islands-2010>, accessed 31 October 2012.

[30] '[Solomon Islands domestic violence awareness program](#),' *Optimistic World Australia*, 2010, online: <http://optimisticworld.org/solomon-islands-domestic-violence-awareness-program>, accessed 31 October 2012

[31] Sally Engle Merry, 'Human rights law and the demonization of culture (and anthropology along the way),' *POLAR: Political and Legal Anthropology Review*, vol. 26, no. 1 (May 2003): 55–76.

[32] John Muria, 'Personal/common Law conflicts and women's human rights in the South Pacific: The Solomon Islands Experience,' in *Advancing the Human Rights of Women: Using International Human Rights Standards in Domestic Litigation*, ed. Andrew Byrnes, Jane Francis Connors and Lum Bik, London: Commonwealth Secretariat 1997, pp. 139–47, p. 144; [United States Department of State](#), *U.S. Department of State Country Report on Human Rights Practices 1996 – Solomon Islands*, 30 January 1997, online: <http://www.refworld.org/docid/3ae6aa25e.html>, accessed 31 October 2012.

[33] The United Nations Development Program (UNDP) ranked Solomon Islands amongst the least-developed countries in the world; scoring 142 out of 179 countries in the 2011 human development index. See [Human Development Statistical Annex](#), 2011, online: http://hdr.undp.org/en/media/HDR_2011_EN_Tables.pdf, p. 126, accessed 31 October 2012.

[34] Ellsberg et al., *Violence against women in Melanesia and East Timor*, pp. 16, 131.

[35] Ellsberg et al., *Violence against women in Melanesia and East Timor*, p. 135.

[36] '[Solomon Islands Country Report](#),' AusAID's Office of Development Effectiveness (ODE), 2008, pp. 55, 67, online: http://aid.dfat.gov.au/Publications/Documents/ResVAW_SI.pdf; '[People's Survey](#),' *Regional Assistance Mission to the Solomon Islands (RAMSI)*, online: <http://www.ramsi.org/solomon-islands/peoples-survey.html>, accessed 31 October 2012.

[37] Jennifer Corrin, 'Customary law and human rights in Solomon Islands – a commentary on Remisio Pusi v James Leni and Others,' *Journal of Legal Pluralism*, (1999): 135–44; J. Corrin, 'Customary law and women's rights in Solomon Islands,' *Development Bulletin*, vol. 51 (2000): 20–22.

[38] Corrin, 'Customary law and women's rights,' p. 20.

[39] Corrin, 'Customary law and women's rights,' p. 22.

[40] *Social Impact Assessment of Peace Restoration Initiatives in Solomon Islands*, Suva: Pacific Islands Forum Secretariat, March 2004, p. 35. The observations in this report are based upon interviews with 'over 100 key informants' and the results of 420 people who participated in a public opinion poll.

[41] See for example Amnesty International's, *Solomon Islands: Women Confronting Violence*, p. 13 and AusAID's 2008 report by Ellsberg et al., *Violence against Women in Melanesia and East Timor*, p. 134, which both omit the personal trauma experienced by the male informants during the crisis; AusAID's interpretation is replicated by the [UN Women Pacific 2011 Report](#), *Ending Violence against Women and Girls: Literature Review and Annotated Bibliography*, Suva: United Nations Entity for Gender Equality and the Empowerment of Women, 2011, p. 22, online: <http://www.undp.org/fj/pdf/unp/evaw.pdf>, accessed 24 October 2012; and the UNDP, *Millennium Development Goals Progress Report for Solomon Islands*, p. 74.

[42] Annalise Moser, 'The peace and conflict gender analysis: UNIFEM's research in the Solomon Islands,' *Gender and Development*, vol. 15, no. 2 (2007): 231–38, p. 234.

[43] UNDP, *Millennium Development Goals Progress Report for Solomon Islands*, p. 73.

[44] Merry, 'Measuring the world,' p. S86.

[45] Merry, 'Measuring the world,' p. S86.

[46] Vedna Jivan and Christine Forster, *Translating CEDAW into Law. CEDAW Legislative Compliance in Nine Pacific Island Countries*, Suva, Fiji: UNDP Pacific Centre and UNIFEM Pacific Regional Office, 2007, p. 4; [Vedna Jivan and Christine Forster](#), 'Challenging conventions: in pursuit of greater legislative compliance with CEDAW in the Pacific,' *Melbourne Journal of International Law*, vol. 10 (2009): 1–36, p. 1, online: <http://www.law.unimelb.edu.au/files/dmfile/download6d621.pdf>, accessed 29 November 2013.

[47] Jivan and Forster, *Translating CEDAW into Law*, p. 6.

[48] Jivan and Forster, *Translating CEDAW into Law*, p. 6; see also Jivan and Forster, 'Challenging conventions,' pp. 1–36.

[49] Merry, 'Measuring the world,' p. S88.

[50] Merry, 'Measuring the world,' p. S86.

[51] Merry, *Human Rights and Gender Violence*, p. 4.

[52] Nicole George, "'Lost in translation": Gender violence, human rights and women's capabilities in Fiji,' in *Gender Violence and Human Rights in the Western Pacific*, edited by Aletta Biersack, Martha Macintyre, and Margaret Jolly, Canberra: ANU E Press, 2014 (forthcoming).

[53] Sylvie Bovarnick, 'Universal human rights and non-western normative systems: a comparative analysis of violence against women in Mexico and Pakistan,' *Review of International Studies*, vol. 33, no. 1 (2007): 59–75.

[54] Susan Moller Okin, 'Is multiculturalism bad for women?,' in *Is Multiculturalism Bad for Women?*, ed. Susan Moller Okin, Joshua Cohen, Matthew Howard and Martha C. Nussbaum, New Jersey: Princeton University Press, 1999, pp. 9–24.

[55] George, "'Lost in translation",' p. 9.

[56] Martha C. Nussbaum, 'A plea for difficulty,' in *Is Multiculturalism Bad for Women?*, ed. Susan Moller Okin, Joshua Cohen, Matthew Howard and Martha C. Nussbaum, New Jersey: Princeton University Press, 1999, pp. 105–14.

[57] See also George, "'Lost in translation",' p. 10.

[58] Merry, 'Human rights law and the demonization of culture,' pp. 55–76.

[59] Merry, 'Human rights law and the demonization of culture,' p. 63.

[60] Lila, Abu-Lughod, 'Do Muslim women really need saving? Anthropological reflections on cultural relativism and its others,' *American Anthropologist*, vol. 104, no. 3 (2002): 783–90, p. 788–89.

[61] Joanna de Groot, 'Conceptions and misconceptions: the historical and cultural context of discussion on women and development,' in *Women, Development and Survival in the Third World*, ed. Haleh Afshar, New York: Longman, 1991, pp. 107–135, p. 115; see also Jane L. Parpart and Marianne H. Marchant, 'Exploding the canon: an introduction/conclusion,' in *Feminism/Postmodernism/ Development*, ed. M.H. Marchant and J.L. Parpart, New York: Routledge, 1995, pp. 1–22, p. 13. I show the various and sometimes conflicting colonial representations of Papua women (as naked, shy, slaves of their husbands, miserable, attractive) by missionaries, officers and 'primitive art' collectors, in Anna-Karina Hermkens, 'Gendered objects. embodiments of colonial collecting in Dutch New Guinea,' *Journal of Pacific History*, vol. 42, no. 1 (2007): 1–20.

[62] De Groot, 'Conceptions and misconceptions,' p. 129.

[63] Sally Engle Merry, *Gender Violence: A Cultural Perspective*, West Sussex: Wiley-Blackwell, 2009, pp. 27–28 (epub version). See also [Stephanie Lusby's](#) article on gender and HIV/AIDS in PNG in this volume, Lusby, 'Refracted 'awareness': gendered interpretations of HIV and violence against women prevention in Papua New Guinea,' in *Intersections: Gender and Sexuality in Asia and the Pacific*, issue

33, December 2013, online: <http://intersections.anu.edu.au/issue33/lusby.htm>, accessed 2 December 2013.

[64] George, "Lost in translation", p. 9; see also Jane K. Cowan, 'Culture and rights after culture and rights,' *American Anthropologist*, vol. 108, no. 1 (2006): 9–24, p. 9.

[65] Muria, 'Personal/common law conflicts and women's human rights,' p. 140.

[66] Interview with Bernadetta, Mangautu village, 25 June 2012.

[67] Adriaan Bedner and Stijn van Huis, 'Plurality of marriage law and marriage registration for Muslims in Indonesia: a plea for pragmatism,' *Utrecht Law Review*, vol. 6, no. 2 (2010): 175–91, pp. 175–76.

[68] Cowan, 'Culture and rights after culture and rights,' p. 9. In total, twenty women and five men were interviewed on the topic of human rights in the context of the tensions and its aftermath, using a structured interview method. In addition, many informal interviews were held with both men and women, along with a survey on the impact of the tensions on 'post-conflict' settlement and social relations. The structured interviews took circa two hours per interviewee and along with the informal interviews and survey, were conducted during three periods of fieldwork in 2011 and 2012.

[69] During and after the crisis, many Areare returned to Marau due to land and social problems on Malaita.

[70] In late 2010, Mbirau established the House of Chiefs, excluding Areare from participating. Circa thirty chiefs from Mbirau had training about law, cultural law and national law and the relationship between them. Lots of cases dealt with local customary issues, but these have to be transferred to national law.

[71] Interview with Salome, Marau, 23 June 2012.

[72] Mbirau people regarded the TRC interviewers and interviews as suspicious. The TRC hired an Areare man who was involved in the tensions to do the interviews, and they feared the government would take legal action on the basis of the interviews' content. Moreover, the interviews triggered resentments and trauma, with people having to reflect upon what had happened during the tensions.

[73] See also Moser, 'The peace and conflict gender analysis,' pp. 231–38.

[74] Interview with Maretta, Mangautu village, 23 December 2011.

[75] Interview with Claudette (from Guadalcanal), Honiara, 12 February 2011.

[76] The sycamore tree is a fig tree with a New Testament reference: 'So he ran on ahead and climbed up into a sycamore tree to see Him, for he was about to pass that way' (Luke 19:4).

[77] Bibleway Outreach Centre was established in Honiara, Solomon Islands, under the leadership of Nemuel and Susan Laufilu in 1989.

[78] The names used in this article are pseudonyms.

[79] Interview with Sylvia, Mangautu village, 20 June 2012.

[80] Interview with Alice, Mangautu village, 25 June 2012.

[81] Marilyn Strathern, 'Losing (out on) intellectual resources,' in *Law, Anthropology, and the Constitution of the Social: Making Persons and Things*, ed. Alain Pottage and Martha Mundy, Cambridge: Cambridge University Press, 2004, pp. 201–33, p. 233.

[82] Hilary Charlesworth, 'What are "Women's International Human Rights"?' in *Human Rights of Women. National and International Perspectives*, ed. Rebecca J. Cook, Philadelphia: University of Pennsylvania Press, 1994, pp. 58–84, p. 61.

[83] See also Wyrod, 'Between women's rights and men's authority,' p. 803.

[84] [World Health Organization](http://whqlibdoc.who.int/publications/2009/9789241597883_eng.pdf), *Violence Prevention the Evidence. Promoting Gender Equality to Prevent Violence Against Women*, Geneva, 2009, p. 3, online: http://whqlibdoc.who.int/publications/2009/9789241597883_eng.pdf, accessed 2 December 2013.

[85] Merry, 'Transnational human rights and local activism,' p. 49.

[86] Merry, 'Transnational human rights and local activism,' pp. 41–42.

[87] See also [Martha Macintyre](#), 'Gender violence in Melanesia and the problem of Millennium Development Goal No 3,' in *Engendering Violence in Papua New Guinea*, eds. Margaret Jolly, Christine Stewart and Carolyn Brewer, Canberra: ANU E Press, 2012, pp. 239–66, pp. 240, 246, online: <http://epress.anu.edu.au?p=182671>, accessed 12 December 2013.

[88] [Deborah M. Weissman](#), 'Rethinking gender and human rights in the global political economy,' in *Global-e: A Global Studies Journal*, (2009), online: <http://global-ejournal.org/2009/09/09/rethinking-gender-and-human-rights-in-the-global-political-economy/>, accessed 4 September 2012.

[89] I describe the impact of colonialism on women's status as 'mothers of the land' in a matrilineal Bougainville society in, [Anna-Karina Hermkens](#), 'Mary, motherhood and nation: religion and gender ideology in Bougainville's secessionist warfare,' *Intersections. Gender and Sexuality in Asia and the Pacific*, issue 25 (February 2011), online: <http://intersections.anu.edu.au/issue25/hermkens.htm>, accessed 2 December 2013; see also Margaret Jolly and Martha MacIntyre's edited volume *Family and Gender in the Pacific: Domestic Contradictions and the Colonial Impact*, Cambridge University Press, 1989, which details the impact of missionaries' and settlers' imposition of European family life and (gender) values on Pacific Island communities.

[90] Jivan and Forster, 'Challenging conventions,' p. 36.

[91] Weissman, 'Rethinking gender and human rights in the global political economy,' p. 1.

[92] Sarah Dyer, 'Women's representation in Solomon Islands: experience to date and reform proposals,' Paper prepared for the Elections in Solomon Islands and Bougainville 2010: Electoral Reform, Political Parties, Forming Government, Peacebuilding workshop, 2–4 November 2010 at the Australian National University.

[93] Sonali Hedditch and Clare Manuel, *Solomon Islands Gender and Investment Climate Reform Assessment*, report financed by AusAID and the International Finance Corporation (IFC, WorldBank), Washington: IFC, 2010, online: http://www1.ifc.org/wps/wcm/connect/0465238049fb0beca26eebd1a5d13d27/IFC_Gender+and+Inv+Climate+Reform+Assessments+_SolomonIslands.pdf?MOD=AJPERES, accessed 21 February 2013; RAMSI, 'Women in government,' online: <http://www.ramsi.org/our-work/machinery-of-government/women-in-government.html>, accessed 21 February 2013.

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[97] Margaret Jolly, 'Woman Ikæt Raet Long Human Raet O No? Women's rights, human rights and domestic violence in Vanuatu,' *Feminist Review, World Upside Down: Feminisms in the Antipodes*, no. 52 (1996): 169–90, p. 185.

[98] See also Yvonne Underhill-Sem, 'Gender, culture and the Pacific,' in *Asia-Pacific Human Development Report Background Papers Series* (UNDP), 5, 2010, pp. 1–58, p. 14, who argues that many Pacific men 'have used custom or traditional ways, as a pretext for controlling women,' and manipulated custom 'to gain power for their own benefit.'

[99] Merry, 'Transnational human rights and local activism,' p. 39.

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Published with the support of Gender and Cultural Studies, School of Culture, History and Language, College of Asia and the Pacific, The Australian National University.

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Last modified: 18 December 2013 1354